

## **MINUTES**

### **LAKE COUNTY ZONING BOARD**

**NOVEMBER 2, 2005**

The Lake County Zoning Board met on Wednesday, November 2, 2005 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, November 22, 2005 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

#### **Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

#### **Members Not Present:**

Paul Bryan, Chairman	District 5
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#### **Staff Present:**

Amye King, AICP, Assistant Director, Department of Growth Management  
Planning Manager, Comprehensive Planning Division  
Jeff Richardson, AICP, Planning Manager, Planning and Development Services Division  
John Kruse, Senior Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Jennifer DuBois, Senior Planner, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Ross Pluta, Engineer III, Engineering Division  
Sanford (Sandy) A. Minkoff, County Attorney  
Melanie Marsh, Deputy County Attorney

Vice Chairman Morris called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Vice Chairman noted that a quorum was present. He confirmed the Proof of Publication shown on the monitor and that the meeting has been noticed pursuant to the Sunshine Statute.

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**Minutes**

**MOTION by Donald Miller, SECONDED by Scott Blankenship to approve the October 5, 2005 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

**CASE NO.: CUP#05/11/1-4**

**AGENDA NO.: 3**

**OWNERS: Matt and Kathleen Draper**

**APPLICANTS: Craig and Associates/Deanna Beyer**

Jeff Richardson, Planning Manager, stated that a continuance until January has been requested for this case.

There was no one in the audience who had an objection to this request.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to continue CUP#05/11/1-4 until the January 4, 2006 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

**CASE NO.: PH#93-05-2**

**AGENDA NO.: 4**

**OWNER: Nola Land Company, Inc.**  
**APPLICANT: Sean Froelich, Vice President, Park Square**  
**Enterprises, Inc.**

Jeff Richardson, Planning Manager, stated that a 60-day continuance has been requested for this case.

There was no one in the audience who had an objection to this continuance.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to continue PH#93-05-2 until the January 4, 2006 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

**CASE NO.: PH#92-05-5****AGENDA NO.: 5**

**OWNERS:** Kenneth D. and Kandice A. Dembeck  
**APPLICANT:** Jimmy Papa of SLA, Incorporated for  
Nextel Communications

Jeff Richardson, Planning Manager, stated that this case has been withdrawn.

Doug Wade said that at the October 5, 2005 Zoning Board public hearing, this case was continued because a variance was needed. At the Board of Adjustment public hearing on October 13, the variance was denied by a vote of 7-0. There were 27 people in opposition at that public hearing. Seven people in opposition are present at this meeting. He asked whether this request was now a dead issue. Those in opposition were told this applicant could submit a new plan on this same property. He felt this withdrawal could be another tactic used so no one in opposition would show up for public hearings.

At the request of Vice Chairman Morris, Mr. Richardson explained that the applicant has withdrawn his request. No further action is required except for acceptance of the withdrawal by this Board. However, the owners or applicant could come back in the future with a different request or with a request that does meet the Code. When Scott Blankenship asked if a significant change was necessary, Mr. Richardson said a similar request could be submitted if it meets the Code.

Vice Chairman Morris confirmed that neighbors would be notified if the request came before this Board again.

Mr. Wade said this request was continued three times. He asked if they could start this over again and keep this process going. Sandy Minkoff, County Attorney, replied that there is nothing to prohibit the owners or applicant from repeating the process even if the request was denied if the application is changed. However, this application has been withdrawn. To start the process, a new application must be submitted.

**MOTION by James Gardner, SECONDED by Donald Miller to withdraw PH#92-05-5.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

**CASE NO.: PH#73-05-2**

**AGENDA NO.: 8**

**OWNER: Lake Grove Utilities, Incorporated**  
**APPLICANT: Karl Sanders, Esquire for Cingular Wireless**

Jeff Richardson, Planning Manager, stated that staff has requested a 30-day continuance for this case.

There was no one in the audience who had an objection to this request.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to continue PH#73-05-2 until the December 7, 2005 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

CASE NO.: PH#59-05-3

AGENDA NO.: 9

OWNERS: Murry W. and Marsha P. Crawley  
APPLICANT: Steven J. Richey, P.A.

Jeff Richardson, Planning Manager, said the applicant has requested an indefinite continuance or until the new Comprehensive Plan has been adopted.

Steve Richey was present to represent the case. He stated that he has met with about 35 or 40 people from the Ferndale area, who had been at the Zoning Board meeting several months ago. Those people formed an association to resolve some of the requirements of the Rural Village that affect their community. The Rural Village required this property to have more density and intensity than what the neighbors wanted. The Rural Village rules for Ferndale are being rewritten in the Comprehensive Plan revision based on community input. He has met with the neighbors and is agreeable to meet the new rules when he knows what the new rules are. That is the purpose of this continuance request. The Ferndale Rural Village only includes this property and ten other acres, but it affects the overall area. He has agreed to work with the neighbors to make this request more compatible with the neighbors' wishes. Right now the Comprehensive Plan restricts that ability on their part.

There was no one in the audience who opposed an indefinite continuance of this case.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to continue PH#59-05-3 indefinitely.**

Sandy Minkoff, County Attorney, said he understood Mr. Richey's concerns, but he felt that a definite time period should be set so the public could have some notice. A second continuance could be requested. Vice Chairman Morris stated that indefinite postponements were discussed two months. From a due process standpoint, Mr. Minkoff said it is difficult for the public when a case is indefinitely continued. Mr. Richey said they have agreed to pay for the readvertising and renoticing when the case comes back to this Board. However, he did not want to pay another filing fee. In response to Vice Chairman Morris, Mr. Richey said he did not have a problem with a 180-day continuance. If the Comprehensive Plan is not done at that time, this issue can be revisited. Mr. Blankenship said that when this was discussed previously, a greater concern from the public is showing up each month when a case is continued over and over again.

Mr. Richey said he was agreeable to either option.

Mr. Minkoff felt cases need to be kept on a schedule. He added that the last Comprehensive Plan adoption took three years.

James Gardner said he was opposed to indefinite continuances and will not vote for one. He felt a deadline should be set on continuances since continuances are granted for the convenience of the applicant.

**AMENDMENT by Scott Blankenship, SECONDED by Donald to continue PH#59-05-3 until the May 3, 2006 Lake County Zoning Board public hearing.**

Mr. Richey noted that the opposition in this case was advised that he was requesting an indefinite continuance. They are not at this meeting because he had sent them a copy of the request for an indefinite continuance. Vice Chairman Morris asked Mr. Richardson to send a copy of the minutes of this meeting to the property owners in this area.

FOR: Morris, Blankenship, Gardner, Miller, Metz

AGAINST: None

NOT PRESENT: Herndon, Bryan

MOTION CARRIED: 5-0



**CASE NO.: MSP#05/11/1-2**

**AGENDA NO.: 15**

**OWNER: Rinker Materials Corporation**  
**APPLICANT: Steven J. Richey, P.A.**

Jeff Richardson, Planning Manager, stated that a 60-day continuance has been requested for this case.

There was no one in the audience who had an objection to this continuance.

**MOTION by James Gardner, SECONDED by Donald Miller to continue MSP#05/11/1-2 until the January 4, 2006 Lake County Zoning Board public hearing.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

**Procedures**

Vice Chairman Morris explained the procedure to be used in hearing the cases. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

**CASE NO.: PH#48-05-2****AGENDA NO.: 1****OWNERS: David Warren and Cra-Mar Groves, Inc.**  
**APPLICANT: BJM Associates, Inc.**

Scott Blankenship declared a conflict of interest.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

In response to Timothy Morris, Ms. DuBois said the amended conceptual plan was submitted on November 1. The Planned Unit Development (PUD) conference with Development Review Staff (DRS) was held on October 27, and these issues were discussed. In response to Mr. Morris, Ms. DuBois said she had enough time to review the amended conceptual plan and change the recommendation.

James Gardner confirmed with Ms. DuBois that nothing has been built on the 300,000 square feet of approved commercial for Magnolia Center PUD.

When Mr. Morris asked if any comments had been received from the City of Clermont, Ms. DuBois said the only comments received were received in June. She had a request from Darren Gray, Assistant City Manager, stating that the City Council had reviewed the rezoning request and had voted unanimously to issue a recommendation not to increase density or make changes to the zoning until the schools have a chance to catch up and a new future land use map for the Clermont Joint Planning Area (JPA) was adopted.

Steve Richey was present to represent the case. He said this application was originally filed as a mixed-family community. They met with the School Board staff and discussed giving the School System a 35-acre site and paying impact fees. In a presentation to the School Board, the School Board suggested the applicant and owners go back and revisit the idea of this being adult only. A marketing analysis was done, and the application was amended to make this an adult-only community. He added that when the Magnolia Pointe utility line was put along Highway 50, property owners provided an easement to Clermont to run the water and sewer to Magnolia Pointe under the condition that Clermont would agree to provide them with water and sewer at the future development of their property. Therefore, they already have an agreement with Clermont to provide water and sewer to this land, but they must apply for it based on this specific project. This has not been done yet. When they went before DRS on October 27, they were able to resolve outstanding issues with staff and have submitted amended plans based on that input, which resulted in a positive recommendation from staff. This project has sufficient land to accommodate more than 200,000 square feet of commercial should the Comprehensive Plan change. There was also discussion with staff with regard to interconnects west and east and the capacity of Highway 50. Their traffic consultant indicated that there is capacity for this project. They plan on resolving any traffic issues prior to the Board of County Commissioners (BCC) public hearing on November 22. A significant berm and buffer are planned as well as a probable decorative wall between this project and Magnolia Pointe. He reiterated that this would be a gated retirement community. They are willing to meet with anyone from Magnolia Pointe who has concerns between now and the BCC public hearing.

Darren Gray, Assistant City Manager for the City of Clermont, was present to speak on behalf of the Clermont City Council. The Clermont City Council did review this project, but it was not age restricted at that time. However, the City Council wants to submit the same type of recommendation that densities not be increased in that area. The Council asked that until the new Comprehensive Plan is adopted, this project not go forward. The Clermont Joint Planning Area (JPA) future land use map is part of the new Comprehensive Plan. Although the use may be appropriate, they would prefer a density of 2.5 units per acre rather than the density requested of almost four units per acre.

David Bryant, resident of Magnolia Pointe Subdivision and president of the Magnolia Point Lakefront Homeowners' Association, said the developer never contacted him until last night. Whatever happens on this property will significantly impact Magnolia Pointe. They would like to see the plans for this project. Traffic is a big concern of the residents of Magnolia Pointe. He noted that the current owners of this

**CASE NO.:** PH#48-05-2 **AGENDA NO.:** 1  
**OWNERS:** David Warren and Cra-Mar Groves, Inc. **PAGE NO.:** 2  
**APPLICANT:** BJM Associates, Inc.

property have a lawsuit against Magnolia Pointe. He questioned whether the proposed homes would be similar to those in Magnolia Pointe as well as the size of the lots. He was also concerned how this property would affect their property values.

Mr. Richey stated that this project would not access Magnolia Pointe Boulevard; it will have its own access points on Highway 50. In accordance with Lake Apopka Basin standards, commercial would be limited to C-1 and C-2 uses. No architectural design has been prepared for the commercial, but they would like to meet with the Magnolia Pointe residents to obtain input on the proposed commercial. The traffic analysis shows that Highway 50 can accommodate what they are proposing. Houses constructed will be in excess of \$350,000. The fee-simple single-family ownership townhouses will be equal to or greater than those in Magnolia Pointe and will not exceed 35 feet in height. Larger lots will be created along the lake. He would like to talk with the neighbors about the fencing and buffering over the next few weeks. They do not want to wait until the new Comprehensive Plan is adopted as requested by the City of Clermont as they are ready to develop now to meet the market need. This project is consistent with the current Comprehensive Plan. There is no moratorium on development until the Comprehensive Plan is adopted.

Scott Blankenship said he had declared a conflict of interest due to the pending litigation against Magnolia Pointe from the current landowners. In response to Mr. Blankenship, Mr. Richey said he is not involved in the litigation; and that road is not proposed to be used as an access for this project. If this development is approved, Mr. Blankenship asked how this would affect the litigation. Mr. Richey said his client informed him that if this development is approved with the configuration proposed, they would not be required to connect to Magnolia Pointe Boulevard; and the litigation would go away.

Mr. Gardner said he did not have a problem supporting this request since the overcrowded schools would not be a factor and access would be primarily on SR 50. Although 300,000 square feet of commercial has been approved for Magnolia Center, none of that has been built. He felt the economics of the private market would dictate what is built there.

**MOTION by James Gardner, SECONDED by Donald Miller to recommend approval of PUD zoning in PH#48-05-2.**

Larry Metz noted that the age-restriction factor is included in the Ordinance.

**FOR:** Morris, Gardner, Miller, Metz

**AGAINST:** None

**CONFLICT OF INTEREST:** Blankenship

**NOT PRESENT:** Herndon, Bryan

**MOTION CARRIED:** 4-0

**CASE NO.: PH#94-05-5**

**AGENDA NO.: 2**

**OWNERS/APPLICANTS: Robert and Nancy Wilson**

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Robert Wilson was present to represent the case.

There was no one in the audience who wished to speak on this case.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend approval of AR zoning in PH#94-05-5.**

**FOR: Morris, Blankenship, Gardner, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Herndon, Bryan**

**MOTION CARRIED: 5-0**

CASE NO.:

PH#95-05-2

AGENDA NO.:

6

OWNERS/APPLICANTS:

Donna and Steve Cockefair

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Donna and Steve Cockefair were present to represent the case. Ms. Cockefair said they would like to be able to store ten to fifteen boats on the property including their son's boat. There is a need for this service in the area. She said staff had told them that they would need a brick wall along two sides. There is a huge railroad rise where the old railroad bed was located and a big ditch. The water runs off CR 565A and across their property and into this ditch. They are concerned that constructing a brick wall at that point could create water issues. She asked if a nice six-foot fence with some landscaping would be acceptable. There are many existing trees on the property.

Jeff Richardson, Planning Manager, said the Land Development Regulations (LDRs) allow for administrative variances and alterations to the required landscape plan based on existing conditions or conditions for the site. If staff feels a landscaping alternative would work in lieu of a brick wall, staff will work with the applicants. However, if the applicants want to eliminate the landscaping, that would require a variance.

There was no one who wished to speak on the case.

When Scott Blankenship asked if the request would be limited to ten to fifteen boats, Mr. Cockefair said this property is less than one acre so he did not have a problem with a limitation on the boat/trailer storage.

Ms. Cockefair said they went through a presubmittal with Development Review Staff (DRS), and Fire Rescue asked them to provide a 20-foot lane. She did not anticipate a lot of traffic.

If staff had felt the number of boats/trailers was an issue, Timothy Morris said they would have included a limit in the Ordinance.

**MOTION by Donald Miller, SECONDED by James Gardner to recommend approval of the request to amend MP Ordinance#1998-57 to allow the existing uses and additional industrial uses in PH#95-05-2.**

FOR:

Morris, Blankenship, Gardner, Miller, Metz

AGAINST:

None

NOT PRESENT:

Herndon, Bryan

MOTION CARRIED: 5-0

CASE NO.: PH#100-05-3

AGENDA NO.: 7

**OWNER:** Robert Beucher, Sonoma Constructors, LTD  
**APPLICANT:** Robert Beucher, General Partner, Sonoma Constructors, LTD

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor.

Gary Fuchs was present to represent Mission Inn. He said the issue of substandard roads in the Summary of Staff Determination was based on Number Two Road that is behind the community. Their plan calls for access into the project from CR 48. He felt Public Works would concur that there is no issue with regard to CR 48. The other issue is with schools. However, the demographics in Mission Inn have not historically and do not currently burden the School System. The existing Planned Unit Development (PUD) with about 250 homes has one child in the public school system. There are less than ten children in the development, with the remaining children in private schools. Based on current numbers, at build out, there would be less than 65 children in a school system. These demographics come from the development itself, the cost of the homes, and the age of the homeowners. If there are children, they are generally older children; and the high school is under capacity. In addition, they do not foresee the demographics changing in any manner that would adversely affect the school overcrowding. Other than those issues, this request appears to be consistent with the Land Development Regulations (LDRs). The request is consistent with the surrounding area. They intend to grow and develop consistently with their current architectural design. This request will not be adding any adverse impacts to the natural environment nor negatively impacting the surrounding property values.

Larry Metz confirmed with Mr. Fuchs that there would be no ingress or egress on Number Two Road into this new area of the PUD. All access will be through the main entrance on CR 48. Mr. Metz asked if age restricting part of the PUD, as amended, had been considered as a way of addressing the school issue. Mr. Fuchs replied that it has not been a consideration since student generation in this PUD has not been an issue.

As a School Board member with concern of future students coming to the public schools in the area, Mr. Metz said that this could build out over a period of several years and bring additional students to the public school system. If this project were age restricted, there would not be that concern. Since the demographics to which this project would be marketed do not result in large numbers of public school children, he felt it would be best to eliminate any future problem by age restricting the community. Mr. Fuchs said he understood the concern of the School Board; but as this PUD has progressed, there have been no substantial changes in their demographics. Although not all the residents are 55 years of age or older, he would be willing to discuss this with his client. From his prospective as a School Board member, Mr. Metz said he would like to see this community age restricted.

Ross Pluta, Lake County Public Works, said that if this project does not access Number Two Road, their comment on this issue no longer applies. However, they do need right-of-way because this area on Number Two Road is developing rapidly. He agreed that there would not be a major impact on roads. Additional off-site road improvements may be needed. A traffic study will be needed to determine what should be done at the intersections. No traffic study has been done at this time. He said he has not seen the preliminary plan for this project.

Al Brokes, adjacent property owner, said there were no signs posted on the adjoining property on two sides. His concern was the wetland in the corner of his property and part of the subject property. He asked if there would be a wall around his 5-1/2 acres and whether a wall can be placed in a wetland. He was concerned about his privacy with 35-foot high homes and the golf course. He said his property is zoned Agriculture, and he has animals. He questioned whether there would be issues in the future regarding odors. Concerning emergency vehicles, he questioned whether one entrance on CR 48 would be considered safe or if such vehicles would use Number Two Road. At the request of James Gardner, Mr. Brokes pointed out the location of his property on the aerial.

<b>CASE NO.:</b>	<b>PH#100-05-3</b>	<b>AGENDA NO.:</b>	<b>7</b>
<b>OWNER:</b>	<b>Robert Beucher, Sonoma Constructors, LTD</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Robert Beucher, General Partner, Sonoma Constructors, LTD</b>		

When Timothy Morris asked that the issue regarding odors in Agriculture zoning be addressed, Sandy Minkoff, County Attorney, stated that State Statutes prohibits the County from interfering with agricultural uses. Therefore, if the agricultural uses are in the area first, the neighbors cannot complain about it.

In response to Mr. Morris, Ms. Allen said the access for emergency vehicles, additional right-of-way, and the wall would be addressed during site plan approval. Mr. Morris asked Ms. Allen to get the name and address of Mr. Brokes and keep him informed. When Scott Blankenship said he did not think a wall was a requirement, Ms. Allen said a vegetative buffer would be required. Since this is a PUD, Mr. Minkoff said this Board could require a wall.

Mr. Fuchs said there will be two accesses off CR 48 and one access off SR 19 for emergency vehicles. Regarding a traffic study, the Ordinance states that they must do the necessary traffic analysis. Even though this project may generate few students for the public school system, they will be paying impact fees.

Regarding buffering, Mr. Fuchs said the walls along CR 48 are primarily for noise reduction. The applicant does not intend to wall the entire community. A natural buffer of some sort would be acceptable.

In response to Mr. Blankenship, Mr. Fuchs said there is no plat available at this time to determine what type of structures would be adjacent to the property line closest to Mr. Brokes. The golf course will be increased from 140 acres to 260 acres. Open space will be increased from 120 acres to 321.2 acres. There should be no drastic change between the proposed residential units and the existing residential units in this PUD.

Mr. Blankenship said Mission Inn is primarily not a family environment. With the known demographics and paying the impact fees, he felt this would have a positive effect on the School System. However, he asked Mr. Metz's opinion.

Mr. Metz agreed that Mission Inn is a high-end, top-quality development and that the demographics are tilted toward the more affluent and elderly that would not have young school children. However, he felt that whole area would be changing, and he was concerned about new students. He said he could not ignore the staff report that says two levels of schools would be further stressed by this development. He acknowledged that payment of impact fees would be a positive factor, but he would have to support the Lake County Schools staff report and oppose the project because of the school issue.

Donald Miller agreed with Mr. Metz and said he could not support this project.

Mr. Metz added that the Board of County Commissioners (BCC) was so sensitive to the issue of additional growth burdening the schools that they turned down the Lowndes rezoning because they felt the rezoning could attract more development and further crowd the schools. He felt he must be a consistent advocate for the School System.

Mr. Gardner spoke of the income to the School System through impact fees and property taxes.

Mr. Morris agreed that the demographics for this PUD indicate a population of 50 years of age and older. However, he questioned putting this project in a box of that age group. He felt very comfortable that this request shows sensitivity to the schools. Therefore, he would support this request.

Knowing the developer's target audience and demographics as well as the marketing strategies available, Mr. Blankenship felt the developer has options available that would mitigate the school issue. Therefore,



<b>CASE NO.:</b>	<b>PH#100-05-3</b>	<b>AGENDA NO.:</b>	<b>7</b>
<b>OWNER:</b>	<b>Robert Beucher, Sonoma Constructors, LTD</b>	<b>PAGE NO.:</b>	<b>3</b>
<b>APPLICANT:</b>	<b>Robert Beucher, General Partner, Sonoma Constructors, LTD</b>		

he would not be in favor of this request.

When Robert Herndon asked if there were portables at the elementary or middle school, Mr. Metz said he thought there were; but he did not have specific information on that. However, the School System is trying to get away from portables and create permanent student stations.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to recommend denial of the request to add acreage to the existing Planned Unit Development (PUD) and amend existing PUD Ordinance #2004-61 in PH#100-05-3 based on the discussion about schools.**

**FOR:** Blankenship, Miller, Metz

**AGAINST:** Morris, Gardner, Herndon

**NOT PRESENT:** Bryan

**MOTION VOTE:** 3-3

**Mr. Minkoff stated that this tie vote will go forward to the Board of County Commissioners (BCC) as "No Recommendation."**

CASE NO.: PH#77-05-4

AGENDA NO.: 10

OWNERS: Wiley C. Davis, Jr. and Ann Davis

APPLICANTS: Anthony Roberts and Wicks Consulting Services

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and picture from the staff report on the monitor.

In response to Donald Miller, Mr. Hartenstein said this project will not have central water and sewer. However, this is not a requirement.

Sharon Farrell with Wicks Consulting stated that this request is the least dense zoning designation in residential zoning. They felt the R-1 zoning district is probably the best choice marketing wise and community wise in that area. R-1 zoning is consistent with the plat to the west of this subject property, Wolf Branch Village. The builder for this proposed development, Mike Olm, is a local builder. Mr. Olm has been meeting with the homeowners as the original request was for R-2 in order to have 35 homes on the 25 acres. They have now lowered the request to R-1. She submitted a map as Applicant Exhibit A and a conceptual plan as Applicant Exhibit B, noting that there would be about 28 percent open space. The development will have its own community park. Storm water will meet the new Wekiva rules. There will be 25 homes on 25 acres. The easement issue will be resolved prior to the Board of County Commissioners (BCC) public hearing. That is a development review item.

Donald Miller asked if there was any other access to this development except through Park at Wolf Branch Subdivision. Ms. Farrell replied that they have a private 18-foot wide access that has been tied to the property for years. When the property was developed as a Planned Unit Development (PUD) in the late 1990s, there was an understanding with the BCC and the property owners that Oak Lane would continue north to the 25-acre parcel. A second map was submitted as Applicant Exhibit C.

Jack Baggelaar said that Dr. Coe built a beautiful community in this area. It was never told to anyone who bought houses in Park at Wolf Branch Subdivision that there was going to be another entrance to the north for a subdivision. It was his understanding that the subject property was to be a park. They have formed a committee with the residents of Park at Wolf Branch. They are concerned about the traffic coming through their subdivision. The road is only 18 feet wide. Children use that road in the morning to go to the school bus stop. There are no sidewalks. He felt the intended traffic increase would be over 20 percent. He said there is another entrance on the west side for the people who live in that area. It was not intended for a 25-unit development. They have proof of that in a letter from Dr. Coe. This development will add more overcrowding to the schools in the area. He spoke of other nearby proposed developments. He asked that his community not be used as a driveway to this new development.

Robert Herndon came into the meeting.

Mike Jeffes said he has lived in Park at Wolf Branch Subdivision for 2-1/2 years. He is opposed to the rezoning of this property. He submitted an e-mail between Rick Hartenstein and Sandy Minkoff as Opposition Exhibit A and a map of the Park at Wolf Branch Subdivision with the easement in question as Opposition Exhibit B. The easement that was granted was signed and dated April 26, 1998. It provides that after Phases 1 and 2 of the subdivision are completed and they are platted and recorded with the County, that easement must be upgraded if it is to be used. Phase 1 was recorded with the County on February 1, 1999. Phase 2 was recorded on June 4, 2002 and Phase 3 was recorded on October 9, 2002. Phase 4 was recorded on September 26, 2003. He submitted a letter from Clayton Blanchard as Opposition Exhibit C and read a portion of that letter into the record. He said the only problem with that letter is that it fails to state that the easement was being used but it was not improved. As late as last night, he said he observed it being used.

Chairman Morris said the easement is not pertinent to this Board when making a decision on this rezoning.

**CASE NO.: PH#77-05-4****AGENDA NO.: 10****OWNERS: Wiley C. Davis, Jr. and Ann Davis****PAGE NO.: 2****APPLICANTS: Anthony Roberts and Wicks Consulting Services**

Mr. Jeffes submitted a preliminary copy of the February 24, 1998 BCC public hearing minutes as Opposition D. He referred to Pages 8 and 9 containing six reasons given by Mr. Davis as to why he needs the easement through the subdivision. He submitted a letter from James Homich as Opposition Exhibit E and read it into the record.

In response to Mr. Morris, Mr. Minkoff said that the e-mail submitted as Opposition Exhibit A stated that the easement is not an issue in this case. This is a straight rezoning case. The easement may be an issue when the plat is done as far as legal access. Whether it is available to be used by more than one house may ultimately need to be determined by a court. Before this development can be platted, adequate access must be made available.

John Ingersoll spoke of his concern over the crowded conditions at Round Lake Elementary School. As of September 16, 2005, the enrollment was 1,037 students. The capacity of that school is 679 students. Since he obtained those figures, new developments have been approved. He felt this was a safety problem especially since no new schools are planned for this area. He asked that this project be denied.

Francois Tetu, resident in the Park at Wolf Branch Subdivision, did not feel this new development would fit with their existing community. Sixty-five percent of his community is green space. Although it has been said that there will be 20 percent green area in this new development, he said there is no green area. He felt this new community would degrade the area. It is his understanding that the residents of the subject property will want to be a part of their association. He was concerned about the schools, the streets, and the water.

Jeff Jones, resident of Park at Wolf Branch Subdivision, said he has concerns about development also. However, he felt a better approach would be to become involved and control how this development will affect their community.

Tom Terrill, resident of Park at Wolf Branch Subdivision, said that everything contiguous to this property is residential or a PUD. When the builder for this subject property met with them, he said this property would be a PUD. He was concerned about 25 wells on this property. He did not feel there would be enough room for that many wells and meet wellhead protection requirements; a PUD is needed instead of R-1 zoning.

Bill Hayman, who owns a lot in Park at Wolf Branch and is having a house built, said his property is across the common area from this proposed development. He feels that something will be built on the subject property, and he is pleased to have an opportunity to have some influence over what is going to be built.

Anthony Roberts, who made the application for the rezoning, said he is a resident of Lake County. This project will not generate 1,100 cars as stated earlier. There will be 33 percent open space, 48 percent including the roads. The Park at Wolf Branch Subdivision has 52 percent open space. He said they have tried to work with the neighbors including holding meetings.

Ms. Farrell said they do not feel that access will be an issue. This development will be an attribute to the Wolf Branch Road area.

Donald Miller said he did not have a problem with the development, but he did have a problem with the schools.

Larry Metz reiterated that the easement issue is not for this Board to decide. However, schools are a major issue in this case. Round Lake Elementary School is critically overcapacity. He said the School Board has money in the budget to buy a site that would be a relief elementary school for Round Lake Elementary

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School, but that site has not been selected or purchased. They do not have any money in the budget for building a new elementary school in the next five years. The 2-mil money, which is mandated by the State Statute, is also available; they have committed 1.1 of the 2 mils to debt service to pay for prior projects. The School Board is doing all it can to keep up with the need for facilities, but they have not been able to do it. That is why school concurrency is needed in this State. In the past, school concurrency was not a top priority as other facilities were when reviewing proposed developments. Although schools are now going to be a priority, a transitional phase will be occurring. In this particular petition, additional students cannot be added to Round Lake Elementary School. As a School Board representative on this Board, he has to support the School System. He felt the memorandum from Lake County Schools justifies his opposition to this request despite the quality of development that is proposed.

**MOTION by Donald Miller, SECONDED by Robert Herndon to recommend denial of R-1 zoning in PH#77-05-4**

**FOR: Morris, Blankenship, Herndon, Miller, Metz**

**AGAINST: Gardner**

**NOT PRESENT: Bryan**

**MOTION CARRIED: 5-1**

**CASE NO.:** PH#99-05-3**AGENDA NO.:** 11**OWNER:** Darryl Wrobel/Green Acres Fernery & Citrus, Inc.**APPLICANT:** Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval with the understanding that central water will be provided. He showed the aerial and picture of the posting from the staff report on the monitor. He stated that because this property is located in the Urban Expansion land use category, the maximum allowable density would be four dwelling units per acre; the applicant is requesting two dwelling units per acre.

In response to Larry Metz, Mr. Hartenstein said road issues would be addressed at the Development Review Staff (DRS).

Steve Richey was present to represent the case. He said they have met with the Community Development District, Mission Inn, which provides utilities for the Mission Inn properties; and it has been determined that they have capacity for both water and sewer. Therefore, central water and sewer will be provided to any development pursuant to this R-2 zoning request. When they go through the platting process, they will be upgrading roads based on the County's evaluation of those roads and vacating any roads that will not be utilized.

Greg Beliveau with LPG in Mount Dora said this area has started transitioning into a more urban setting. This request is consistent with the development pattern, and less intense in some cases. The staff stated that the property has R-3 zoning to the north and also adjacent to it. This request is for R-2. The property has some minor wetland areas that will be taken into consideration, but they do not affect the majority of the site. The applicant is aware that a trail access along the old railroad line will be required. The homes in this subdivision will be consistent with the Lakes & Springs subdivision in the areas of size and price.

When Donald Miller asked if this community will be age restricted, Mr. Beliveau said it would not be. Mr. Beliveau stated that the staff report notes the 29 percent overcapacity of Leesburg Elementary School. The City of Leesburg has made a formal request by resolution to the School Board on two occasions. Three elementary schools were closed in Leesburg, and they were replaced with one elementary school. The City of Leesburg has been on record stating that they were not happy with the fact that there were 1800 student stations with the three elementary schools. When the new elementary school was built, it was built with less than 1000 student stations. The City has gone on record asking the School Board to consider reopening the two existing elementary schools that have not been converted or torn down to address the overcrowding.

Mr. Richey stated that the houses to be constructed will be in the \$350,000 price range and up. The application was originally filed for four units to the acre and then reduced to two units per acre as the developer wants to build higher quality homes.

Mark Winwood, a resident of Yalaha, said the residents of Yalaha are not categorically opposed to this, but they want this two home per acre development to be something that fits into the look, feel, geography and culture of Yalaha. Bloomfield Avenue is a narrow road with no sidewalks. Although it is his understanding that it will be repaved, if that is the only entrance to this development, he felt this could be a safety issue for the community. Bloomfield Avenue is not appropriate for 94 homes. He said this area has a very clean, pristine spring water system that flows under this property. He was concerned about septic tanks being placed there. Mr. Morris explained that this project will receive central water and sewer from Mission Inn. There will be no septic tanks. Mr. Winwood said he was also concerned about the construction impact on the groundwater that flows below that property. He felt some type of environmental study should be done before this rezoning is approved. In response to Mr. Morris, Mr. Winwood said he lives across the street, one-quarter mile to the west.

Debra Herald, a resident of Yalaha and a co-founder of Friends of Yalaha, said she and her husband have

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**APPLICANT:** Steven J. Richey, P.A.

no objection to the two units per acre as they feel this is a reasonable density. They are pleased that the developer is committed to a quality development. Their major concerns are the impact on Bloomfield Avenue and CR 48 and the impact on the water. They would like a requirement that this development connect to Mission Inn's wastewater treatment plant. In response to Mr. Morris, Sandy Minkoff, County Attorney, said these types of issues are handled at site plan approval. Since central water and sewer are available, Mr. Richey said they will be required to connect under the Land Development Regulations (LDRs) and Comprehensive Plan.

Mr. Richey said there will be less density than reported by the School Board due to roads and storm water. The number of units will be closer to 60 to 70 units rather than 94. Mr. Minkoff said there is no minimum lot size requirement so it would be possible to develop this property with 94 units with central water and sewer. Mr. Richey said that would not be done under the scenario they plan. Bloomfield Avenue and sidewalks will be addressed during DRS.

Mr. Metz said that renovating the two elementary schools that Mr. Beliveau spoke of would be a major project. He was not aware of any discussion to reopen those schools or any petition from the City of Leesburg requesting that. Mr. Richey said one of the schools was renovated just before it was closed.

Mr. Metz added that he felt the memorandum from the Lake County Schools speaks for itself.

Mr. Morris noted the 22 letters of support. He said the overcrowding of schools is not as drastic in this area as it is in the South Lake County area. He felt this will be a high-end type of development and deserves to be put in this area. Therefore, he could support this request. Robert Herndon agreed that the school overcrowding for this case is not as great as in the previous case.

**MOTION by Robert Herndon, SECONDED by James Gardner to recommend approval of R-2 zoning with the understanding that central water will be provided in PH#99-05-3.**

**FOR:** Morris, Gardner, Herndon

**AGAINST:** Blankenship, Miller, Metz

**NOT PRESENT:** Bryan

**MOTION VOTE:** 3-3

Scott Blankenship stated that he felt the Urban Area Residential Density Chart is not current with what is happening in Lake County. He would like to see some type of negative factor in the chart for issues that are important to the County such as schools.

Mr. Hartenstein said that he foresees changes in the Urban and Urban Expansion land use designations with the adoption of the new Comprehensive Plan and follow-up revision of the Land Development Regulations. However, at this time, the current rules must be followed.

**CASE NO.: PH#97-05-3/4****AGENDA NO.: 12****OWNERS: Les and Patricia Williams**  
**APPLICANT: Leslie Campione, P.A.**

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and picture of the posting from the staff report on the monitor.

Leslie Campione was present to represent the case. She stated that the existing business is called Jasmine, a plant and garden home knick-knack shop. She submitted a map of boundary survey as Applicant Exhibit A. The owners are requesting Planned Commercial zoning with a limited number of allowable uses including general retail and professional and service uses. They felt this request was consistent with other uses on CR 19A. At this point, there are no plans for expansion, alteration or change to the site. They want to make this consistent with the actual use of the property.

Sharon Freer, adjacent property owner, said she is opposed to this request. The business is for sale. She does not know what will be on the property. She had to put a fence on her property because customers at the business did not know the house and business were separate and were driving on her property.

Ms. Campione said that in the event that there is an expansion or change of use on the property, there would have to be a landscaped buffer between Ms. Freer's property and the adjoining commercial use incorporated in the site plan. She thought it was a minimum of 25 feet. The owners of the subject property would be responsible for creating the buffer between the two properties.

Mr. Hartenstein confirmed that if there was an expansion or change of use on the property, they would be required to do landscaping. The landscaping between the commercial and the residential would be a minimum of 15 feet. A specified number of canopy trees and a single row of shrubs would be placed within that area.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend approval of CP zoning with limited C-1 uses in PH#97-05-3/4.**

**FOR: Morris, Blankenship, Gardner, Herndon, Miller, Metz****AGAINST: None****NOT PRESENT: Bryan****MOTION CARRIED: 6-0**

CASE NO.: PH#96-05-4

AGENDA NO. 13

OWNER: Lois K. Smith, Trustee  
APPLICANT: Bruce G. Duncan

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial and picture of the posting from the staff report on the monitor. He said he had spoken with Alton Roane from the City of Eustis. Mr. Roane felt this type of development was compatible in this area and would help support the surrounding residential developments. Mr. Hartenstein pointed out on the aerial several developments as well as commercial in the area. He added that much of the land designated as commercial has not yet been developed. He felt this request was compatible for this area. Staff recommended denial of this request based on the Comprehensive Plan. However, the Comprehensive Plan does not take into consideration Joint Planning Area (JPA) Agreements and some of the issues staff discusses during development review pertaining to JPAs.

When Timothy Morris asked if the County has a JPA Agreement with the City of Eustis, Mr. Hartenstein said there has been one in place for many years, but it needs to be updated.

In discussions with the City of Eustis, Robert Herndon asked if there was any indication of this property being annexed into the City. Mr. Hartenstein replied that no one informed him of whether annexation was a consideration. However, many times when the City enters into a utility service agreement with a property owner, a covenant to annex in the future is included in the agreement.

Bruce Duncan with the law firm of Potter, Clement, Lowry and Duncan in Mount Dora was present to represent Danny Teems, who is the new owner of the property. He said he had provided Mr. Hartenstein with an amended owner's affidavit. Mr. Teems closed on the property since the application was filed. The Ordinance will be amended to acknowledge that change by the time this case comes before the Board of County Commissioners (BCC). He reiterated that there is a substantial amount of commercial already located at this intersection. It meets the commercial location criteria for the City of Eustis. If this property receives water from the City of Eustis, they will have to sign a covenant or an annexation agreement to annex at the time Eustis want them to annex into the City. They cannot obtain water from the City of Eustis without that agreement.

In response to Mr. Morris, Mr. Duncan said the road would not prevent them from annexing into the City of Eustis, but the City does not always require immediate annexation.

Mr. Duncan pointed out that there are 1900 homes approved in the Grand Island area that will be under construction in 2006. He has also learned from the staff at the City of Eustis that there are about 2700 homes in the City that they are anticipating in the next year or two. This commercial development will provide service to those homes. The commercial location criteria issue has created a large problem on a number of parcels. Because of those problems, he felt a change will be made in that criteria when the new Comprehensive Plan is adopted. This is clearly an area that is right for commercial development.

**MOTION by Donald Miller, SECONDED by James Gardner to recommend approval of CP zoning with the uses of the site limited to convenience retail, general retail, professional office, personal care service, and self-service storage in PH#96-05-4.**

**FOR: Morris, Blankenship, Gardner, Herndon, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Bryan**

**MOTION CARRIED: 6-0**



**CASE NO.: PH#98-05-2****AGENDA NO.: 14****OWNER: Highland Real Estate**  
**APPLICANT: Steven J. Richey, P.A.**

John Kruse, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor.

In response to Scott Blankenship, Mr. Kruse confirmed that if this property is not rezoned to commercial, 15 or 16 homes could be placed on the property. The property is vacant at the present time. It is surrounded by wetlands. Although this is the most recent aerial, Mr. Kruse said it does not show the subdivisions that have come in.

Timothy Morris confirmed with Mr. Kruse that this property is not in the Clermont Joint Planning Area (JPA). Mr. Morris asked how long it would take for this property to meet timeliness and be a valid project.

Steve Richey was present to represent the case. He said the aerial is very deceptive. There are hundreds of houses already built with many more approved. When the original application was filed, there were no rooftops there. In his opinion, he felt the access point meets the criteria of a collector road. He spoke of nearby commercial that was approved when a determination was made by the Board of County Commissioners (BCC) that the road that served the subdivision met the criteria of a collector road. This is a similar request. He had requested by e-mail that Public Works look at this request as they had with the other commercial. No determination on the road has been made. This request, if approved, would place one building with limited uses on the property rather than 16 homes. He submitted a site plan as Applicant Exhibit A. When the original application was filed, there were no homes so the request was premature. In addition, all C-1 and C-2 uses were being requested. With this request, the number of uses has been significantly reduced in order to serve the immediate existing neighborhood.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend approval of CP zoning with limited uses in PH#98-05-2.**

**FOR: Morris, Blankenship, Gardner, Herndon, Miller, Metz****AGAINST: None****NOT PRESENT: Bryan****MOTION CARRIED: 6-0**

CASE NO.:

MSP#05/10/1-3

AGENDA NO.:

16

OWNER/APPLICANT:

Lake Environmental Resources, LLC

John Kruse, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial from the staff report on the monitor. He stated that a petition of opposition with 272 signatures was received as well as 33 letters and e-mails opposing this request. In addition, a Town of Howey-in-the-Hills resolution recommending denial has been received.

Timothy Morris questioned the requirements if this request is not approved. Since this is an older pit, Mr. Kruse said they could walk away and leave a hole. The sloping would be two to one for health, safety, and welfare.

Bruce Duncan of Potter, Clement, Lowry and Duncan was present to represent the case. The company that owns Lake Environmental Resources has a history of operating Construction & Demolition (C&D) debris landfills throughout Central Florida. They have a very good reputation with the Department of Environmental Protection (DEP). The owner has three options with this property—walk away from the property after sloping it appropriately and leave a hole in the ground, fill the hole in the ground with more hazardous material, if granted permission, or fill the hole with clean fill such as C&D material. The reclamation of the mine with a C&D landfill is recognized by the State and the County as the best way to reclaim an existing sand mine. It is the safest and most effective way. The operation of the C&D pit will begin only if the County approves the mining site plan and after the operation plan has been submitted to both DEP and the County for approval, review, and recommendations. Operation of the landfill cannot begin until the monitoring wells are put into place and have been approved by DEP and the County. The owner anticipates a ten to twelve year lifespan of the mine. At closure and after all the reclamation requirements have been met, his client has agreed to donate the land to the County. This would be approximately a \$660,000 donation. The County would have a 44-acre piece of property that is grassed and is at the natural grade of the property. It could be used as a possible park or ball field, perhaps even a school site. This is a much needed aspect of the infrastructure of a growing community. The particular location of this pit is prime for a number of reasons. Ecologically and environmentally, the conditions that exist on this property are perfect for this type of use. The physical location is very close to thousands of approved home sites and approved commercial construction sites. This will reduce the traffic impacts to the community. The Lake County landfill on CR 561 in Astatula has ceased to take C&D material because they are preserving their landfill for the more hazardous materials. This type of use is crucial to the building and business industries of Lake County.

Mr. Duncan said that the 41 property owners that live within a one-mile radius of this property have been notified. This is a larger radius than is required by the Lake County rules and regulations. The property owners were notified before the application was filed. They did this in an attempt to be as good a neighbor as possible. They held a meeting with the neighbors on August 24 in Astatula. At that meeting, they provided the residents with a detailed presentation of what they intend to do. They offered the residents an opportunity to visit the existing facility that the applicant operates in Winter Garden. The public hearings were originally scheduled for October. Lake County had asked the applicant's engineers to supplement the application with some additional information and then continue the case in order for staff to review that information. When he agreed to do that by letter in September, he asked staff to make sure the residents were aware of this continuance. He noted that a resolution from the Town of Howey-in-the-Hills was received. The applicant was not notified that the opponents of this project would be at the City Council meeting on September 26. At that meeting, the City Council requested their attorney to draft a resolution opposing the request for this mining site plan. Mr. Duncan spoke of a Lake Sentinel article that was read into the record at a Council meeting on October 10 regarding the Grantham pit on SR 46. That article had nothing to do with this application. He submitted a copy of an article dated October 9 (Applicant Exhibit A) that was specific to this request and quoted parts of that article. This article was not made a part of the record at the City of Howey-in-the-Hills meeting. He felt that Howey-in-the-Hill's resolution is based on conjecture, speculation, and fear that had nothing to do with this particular operator and project.

Jim Golden with H.S.A. Golden Engineers gave a PowerPoint presentation of the project and submitted a

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**OWNER/APPLICANT:** Lake Environmental Resources, LLC **PAGE NO.:** 2

copy of that presentation as Applicant Exhibit B.

Donald Miller left the meeting.

Mr. Golden said that only 25 acres would be the C&D landfill. The rest of the property will be setbacks and storm water ponds as they will be required to collect all their storm water on the site. They are proposing to add more trees and berms around the property so it will be visually buffered from their neighbors. There are five existing private drinking wells on adjacent properties. They are setting back the landfill pursuant to the State rule of 500 feet from those wells. There are ten groundwater monitoring wells proposed to surround the landfill. This is one of the primary environmental controls for these types of landfills. Those wells will be sampled for potential pollutants every six months. They plan to cover the landfill as they go so there will not be open debris for very long. A detailed geological study is required to ensure that the soils and aquifer around the landfill can attenuate anything that would get out of the landfill. There will be a sign posted at the gatehouse noting all unacceptable wastes. Any unacceptable wastes found in a load will be placed in separate containers on the site and taken weekly to the appropriate disposal facility.

In response to Timothy Morris, Mr. Golden said the load will be monitored before it is pushed into the landfill.

Mr. Golden stated that in his 20 years of working on these properties, he has never found any significant pollution coming from these types of landfills.

Robert Herndon asked Mr. Golden the estimated depth from the bottom of the pit to the aquifer. Mr. Golden replied that the bottom of the pit will be 75 to 80 feet deep. There will be a separation from the bottom of the pit to the water table of between ten to thirty feet deep, depending on the time of the year. The bottom of the pit will always be dry, even in the wettest years.

Mr. Golden stated that they have not experienced much odor from C&D landfills locally, but there have been problems around the State. They will be adding cover periodically to keep out the rainwater. They will also be adding vent pipes with flares into the waste to collect and destroy any gases or odors that could be generated from the waste. In response to Mr. Herndon, Mr. Golden said Class III landfills are required to cover weekly. They thought they would cover at least every two weeks, but that is negotiable.

Mr. Golden informed Mr. Morris that the current hours of operation are 7 a.m. to 5 or 6 p.m. Monday through Friday and 7 a.m. to noon on Saturday. Those hours will remain the same with the C&D landfill. There will be no Sunday or holiday operation.

When Scott Blankenship asked where Lake County transports their C&D fill now, Mr. Duncan said staff told him that there are five other C&D pits within Lake County. Many of them are close to closing. Mr. Golden added that according to Allen Hewitt, Water Resource Division, it goes to the Keene Road landfill in Orange County.

In response to Mr. Duncan, Mr. Golden said that typically two spotters would be required for this type of operation. They are proposing four spotters. Although they are planning random load inspections, they are not required for this type of landfill. He added that each flare installation would cost about \$10,000. By the time they are done, they may have 20 or 30 flares. They will burn out a year or two after the landfill is totally closed. Total cost to the owner will be about \$200,000. Flares are not required under the rules and regulations.

Mr. Golden submitted his resume as Applicant Exhibit C.

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Ted Wicks of Wicks Consulting Services said he is not the engineer of record on the project, but he was asked by the applicant to look at the project. He has a significant amount of experience with C&D and Class III landfills in Lake County. As far as Mr. Golden's firm, they have been in solid waste and landfill design for a number of years. In his opinion, what is being presented today represents almost a complete model of what he would do with a C&D landfill. All issues have been dealt with. He felt it was a good engineered project. Based on the liabilities for environmental contamination, the operators cannot afford to allow something to happen that would put them out of business.

In response to Mr. Morris, Mr. Wicks said a ten to twelve year closeout is a good estimate, but it will depend on the market. At the request of Mr. Morris, Mr. Wicks explained the procedure if there is an issue with a monitoring well.

When Mr. Duncan asked about the preliminary tests done on the water quality in this area, Mr. Wicks said he found nothing in the characterization reports that he reviewed. Regarding the monitoring tests, Mr. Wicks said the permittee must obtain the services of a private lab service certified under the rules of the State of Florida to extract the samples, do the test, and report the results.

Regarding one of the letters of opposition, Mr. Herndon said the writer had concerns about the safety issues with the large heavy trucks and the repair costs related to the roads. He asked if they had had any discussions with the Lake County Public Works on these issues. Mr. Duncan stated that any off-site improvements that may or may not be required as a result of traffic impacts would be addressed during the site plan and operation plan review prior to this pit beginning operation.

Jim Hall of Canin & Associates gave a PowerPoint presentation on Chapter 14.5.04 of the Land Development Regulations (LDRs), Standards of Review, and submitted a copy of the presentation as Applicant Exhibit D. He said there would be a slight increase in traffic. Landscaping, screening, and buffering will be done as well as it will be returned to grade. Since this is an active mining operation, it is already a part of the character of the neighborhood. Therefore, it is compatible with the character of the neighborhood. Since this is an active pit, the applicant is going beyond the minimum requirements and the mine will be returned to a green field in a relatively short time, he did not feel this request would create an undue adverse effect on nearby property.

Mr. Blankenship noted that Mr. Hall had said there would be 40 to 60 trucks per day. He asked the direction of that traffic. Mr. Hall said about 75 percent of the traffic is projected to come from the Turnpike, up SR 19 and go east on CR 455.

Mr. Duncan clarified that they are anticipating 75 to 80 trucks a day at full operation. That would be during the period when both the sand mine and C&D landfill are in operation. That would be the first three to five years. Once the sand mine is gone, there will be reduction in the truck traffic.

Mr. Duncan said there is a monetary incentive to the operator to remove materials that do not belong in this pit. Not removing that material could result in the loss of his permit. Everything that is removed because it does not belong in that pit is charged back to the person that brought it there. He showed a video (Applicant Exhibit E) of the procedures used at the West Orange Environmental C&D Landfill when a load is received. Mr. Duncan said he would like to reserve his right to bring additional testimony after the opposition has exercised their right to speak to this Board.

When Mr. Herndon asked if the applicant would be willing to increase the buffering, Mr. Duncan replied that they would be willing to address that.

Tim McCormick was present to represent a group of homeowners who live near the proposed landfill. Since he has not heard the whole presentation, he would like to rebut any additional testimony given by the

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applicant or its representative. Mr. Duncan stated that he has the burden of proof today, and he has the right to testimony and rebut. Those are the rules that are in place under the law.

Mr. McCormick said he represents the concerned citizens of Old Howey. He asked those citizens to raise their hands. He pointed out that CR 455 has become a major cut through for traffic entering and leaving this area. A recent survey conducted on October 20 by their volunteers revealed that in a nine-hour period, 1655 vehicles used CR 455. Of that number, 358 were heavy vehicles. These heavy vehicles have a direct impact on the longevity of this roadway. They contacted a former road department employee, who indicated that in his best estimate, CR 455 was less than three years from needing major replacement, given current traffic levels. However, this roadway is not included in any of Lake County's future road project plans. At a cost of \$3 million per mile, taxpayers will be spending over \$9 million to fix CR 455. He questioned why the County would hasten its wear by adding truck traffic feeding a landfill. The citizens of this area are also concerned about their children's safety. As part of their traffic study, it was noted that 42 school buses used CR 455. CR 455 is a favorite route for its scenic beauty. The citizens feel there is a risk of contaminating their water supply. He questioned how this proposed request could be a benefit to the property owners around it. He felt this request would result in a decrease in property values. This landfill could become an ecological nightmare for future generations.

David Cimini, concerned citizen of Old Howey, submitted a map as Opposition Exhibit A. He pointed out the small orange arrows showing over 48 driveways in the three-mile radius of that road. The larger orange arrows represent homes around the proposed landfill area. He stated that at one of the meetings that were held, a gentleman said the flow of the water would flow to the northeast, toward the springs that feed the County lakes. He said he visited the Hewitt Dumpsite on Highway 33. It will be open for seven to ten years. It is not even close to being ten percent full. It is only a 12-mile drive to the site from this area. He submitted a packet of petitions in opposition containing almost 1000 signatures as Opposition Exhibit B. He did not feel odors from this landfill are appropriate for an area with so many homes. Although it was said that most of the traffic would come from the Turnpike and SR 19, he felt the new developments on CR 455 would use CR 455. If the sand will be gone in three years as previously stated, Mr. Cimini asked what they would use to cover the waste. He said he has been to the Zellwood landfill quite often, and he has never seen each load being so carefully inspected as shown in the video.

John Mapp, Jr. said he lives near the proposed landfill. He referred to a letter from H.S.A. Golden to John Kruse dated October 11, 2005, Comment 5, regarding the potentiometric map. In the hydrogeological investigation section, Page 5, reference is made to a St. Johns River Water Management District map showing a different figure than the potentiometric map. The calculation as to recharge is contingent on which of those figures is correct. He asked Mr. Golden to comment on how much uncertainty there is surrounding that recharge and what the real recharge is or if it can even be known. He spoke of an old sinkhole within the property boundaries that is shown on the old topographic maps. He asked if core samples were taken specifically at the bottom of the old sinkhole; and, if not, why not. He questioned what assurances are there that the confining layer over the Florida Aquifer is not breached or disrupted at the old sinkhole site.

Gary Sprauere said he lives directly adjacent and behind the proposed landfill. He moved to this area in February of this year. He questioned putting this use in the center of such a beautiful area. He is a State-certified builder and said the drivers do not know what is in the dumpsters they pick up. He did not feel such careful inspections would be done as shown in the video. The citizens are concerned about the odor and "critters" that will be associated with this landfill. He also spoke of the safety of the bicyclists in the area. As large as Lake County is, he felt there must be a better location for this landfill. He questioned why the property could not be donated to the County now rather than later. This would be a good area for a park. This landfill will ruin the integrity of the area. He noted the low percentage of random inspections.

In response to Mr. Morris, Mr. Sprauere said he was never charged for items that were in his dumpster that

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should not have been in there. He spoke of an old nearby dumpsite that remains a hole. Vegetation has grown back. That is what he would like to see with this subject property. He is concerned about the well on his property.

Patricia M. Ritson, a resident of Howey-in-the-Hills, said she is a licensed real estate agent. She was a concerned about the effect of this proposed landfill on real estate values. Although vents and flares are to be used in this landfill, she did not feel they would control the odors adequately. She added that she did not feel most of the traffic will come from the Turnpike as most of the new construction will be taking place in Leesburg and Howey-in-the-Hills. Ms. Ritson was concerned about the amount of and how fast the debris will build. She questioned how large amounts of rainwater would affect this landfill.

David Yorgey, an attorney in Orlando, said he and his brother own 134 acres directly across the street. They do not live on the property, but they are concerned about the staging of the trucks. It was his understanding that the hours of operation are 6 a.m. to 6 p.m., Monday through Saturday. There is nothing in the Ordinance indicating how the staging would be controlled. He felt there was a potential problem of trucks backing out onto CR 455. He asked the Board to "downplay" Mr. Duncan's comment that the Howey-in-the-Hill resolution is conjecture and speculation. The Town of Howey-in-the-Hills as well as its residents have valid concerns. Regarding monitoring of the trucks, only one percent will meet such an inspection. When he has taken things to landfills, he has never seen such careful procedures being done as was shown in the video. If this request is approved, he asked for additional protection for the residents in the area. He would like to see a liner required. The liner should be under the entire site. That would eliminate groundwater problems and contamination of the site. He also asked for additional buffering, reduced hours of operation, additional test wells, and covering every day rather than every couple of weeks.

Tracey Estock, resident on CR 455 and owner and operator of a u-pick farm on their ten acres, spoke of the huge cycling community that utilizes the hills in the area. She was concerned the cyclists would leave if the landfill was put in. She would like to see this property become a water park. If this is approved, she felt that the speed limit on CR 455 should be decreased, a bike lane or shoulder would need to be added onto CR 455 to ensure safety to the cyclists, and the hours of operation should be reduced.

Teresa Kraa, resident of Lake County for over five years, said she owns ten acres in Howey-in-the-Hills as well as a nursery 4-1/2 miles from the subject property. She was concerned about the safety of children on the roads with the early hours of operation.

Gail Phelps spoke of the insurance the applicant must carry to pay for the clean up. She asked if this would also be insurance to pay back the neighbors who this landfill will affect. Sandy Minkoff, County Attorney, said the County requires a bond to ensure that reclamation is done appropriately. In addition, liability insurance for the operation would be required.

Gail Boettger, concerned citizen, property owner, and business owner in Howey-in-the-Hills, questioned how so many loads could be sorted in such a short time. She asked if the applicant could guarantee that no unacceptable waste will ever get into this landfill and also guarantee 100 percent compliance. This is their choice for a neighborhood.

Mr. Duncan said there would be four spotters on site, twice the required number. He said they cannot guarantee 100 percent compliance. However, they can guarantee that they make every effort to make sure that nothing goes into the landfill that should not be in there. He said that sixty loads per day is the correct number; the 75 to 80 loads include the sand trucks.

Ralph Atchley said he is building his own house on Sugarloaf Mountain. It will be located 1-1/2 to two miles from the landfill. He has struggled daily to keep unacceptable materials out of his dumpster. He spoke with the drivers for Waste Management about the contents of the dumpsters; they were not

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concerned about what material are placed in dumpsters nor were they ever charged for improper materials. With all the construction in the area, he felt that there could be as many as 150 trucks a day if the landfill will accept them. He asked the Board to deny this request and put it where there are not so many houses.

Hossen Feragi said he has a house on CR 455, about a mile from the subject site. He never received a notice on this case. Since the owner of the future landfill cannot guarantee that no hazardous material would get into his well, he would oppose this request as he has two young children.

Robert Griffil said Howey-in-the-Hills is a very unique geographical area. To enhance this area of Central Florida, he said the West Orange Bike Trail could be extended along CR 455 on some existing railroad beds, pass by the proposed reconstruction of the Old Howey Archway, and continue on through Howey-in-the-Hills. A bike trail along this scenic route would be a huge benefit to all the residents of this area and an environmentally safe way to encourage positive growth.

Mr. Duncan said he had contacted Mr. Hewitt, and he had no objection to this landfill. Regarding odors, he reiterated that they are taking an additional level of protection against those odors, which is not required by the County or DEP. There are different types of sand and different uses for each one. There will always be sand available for the cover material. As far as why this particular location was chosen, Mr. Duncan said there is an existing hole in the ground at this location. His clients have not owned this property for the entire life of the sand mine. They purchased the property several years ago. The site on Buckhill Road that Mr. Sprauere referred to is not an old dumpsite; it is an old sand mine that was never filled. He reiterated that the life span would be ten to twelve years. The hours of operation will be 7 a.m. to 6 p.m., Monday through Friday. The applicant was willing to abandon the Saturday operations in an attempt to accommodate the bicycle events. The Saturday operation was generally there for some of the good neighbor policies. He pointed out that not all trucks on the road come from this mine. There are other operations that generate truck traffic beside this sand mine. He stated that the spotters do benefit financially by locating material that is not acceptable at a C&D landfill. Liners are not required because this material is considered to be clean fill. A liner is \$400,000 per acre to install. It would not be cost effective to provide a liner on this site. Mr. Duncan stated that after the closure of this site, the monitoring wells have to stay in place for five years as does the insurance policy. It is designed to take care of any problems both on and off site. Contractors are aware of what materials should be in the dumpsters. This is another level of protection. He spoke of future homes near the landfill on Highway 455. One of the reasons this site is a prime location for this type of facility is the height elevation. It provides for the depth that is needed for a hole in the ground and still protects the Florida Aquifer and the surficial aquifer. The hole on the property as it exists is virtually unusable. After the ten to twelve years that this landfill will be in operation, there will be a huge benefit to the County and to the residents in this area.

Mr. Golden discussed the clean-up procedure of dumps. They would know long before there was any contamination in the private wells, and a system could be put in place to clean it up before it would get off-site. He added that he is not aware of any clean ups of C&D landfills in the State of Florida. At least 200,000 yards of sand will be left in the pit to be used to cover the waste.

Mr. Golden discussed the questions Mr. Mapp had asked regarding the recharge. He submitted a sheet with language regarding the sinkhole as Applicant Exhibit F. He submitted a boring log as Applicant Exhibit G and a boring and piezometer location map as Applicant Exhibit H.

Mr. Golden said they would have deep wells to test the water if it gets to the spring to the northeast. However, it would be hundreds and hundreds of years if that water could ever get there; and it would be diluted by millions of gallons of other water in the Florida Aquifer. He reiterated that a liner would not be required for this facility.

Regarding insurance, Mr. Golden said that if there was contamination detected in the wells, the owner

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would have to increase that insurance policy to whatever an engineer estimated the cleanup would cost. The State and the County regulate that.

Mr. Herndon asked if any additional buffering is planned beyond what is there now and, if so, where. Mr. Golden replied that the site plan shows 80 additional trees. A berm will be added on the east side and additional berming on the south side.

Tony Luke with Luke Transportation Engineering Consultants in Orlando submitted a traffic impact analysis as Applicant Exhibit G. The study was done during the first half of the year, and some of the assumptions made were slightly more intense than what they are now. They followed the adopted County standards with the road design, capacity of the roads, and intersection analysis. They conducted traffic counts on CR 455. They focused on the afternoon peak hour. That is the normal standard. They coordinated the review with John Renick and Fred Schneider with the County. They are finalizing the recommendations, but their comments were relatively minor. They had no major problems with the results of his traffic study. When Mr. Duncan asked if weight limitations on roadways are taken into account when determining whether traffic comes or goes on roads, Mr. Luke said that is not normally something that is done at this level.

Mr. Duncan stated that the studies John Gwen, property appraiser, is in the middle of doing are not complete. By the time they appear before the Board of County Commissioners (BCC), those studies will be completed. He has already assured Mr. Yorgey that the day he receives the studies, he will put them in the mail to Mr. Yorgey.

Mr. Gwen, a State-certified general real estate appraiser in Florida, said he has been appraising for approximately 22 years and has done appraisals all over the State. He was hired to perform a study of property values and how they are affected near landfills, particularly C&D landfills. They looked at active landfills, Class I landfills, and closed landfills to determine the effects both during the operation of these landfills and after they have closed. They have visited a number of landfills within the Lake and West Orange County area. They looked at both vacant land sales as well as improved residential sales. They looked at data within a one-mile radius, but they may extend that. They compared the appreciation rates in areas near C&D landfills and outside of the area. They have not reached any conclusion at this time. There does not appear to be a tremendous amount of spikes, but they are still analyzing the data. He will have that information by the BCC.

Mitchell Katz, Ph.D. chemist and a Floridian, gave a description of his experience. He noted that the laboratories are certified by the State.

Mr. Herndon felt the applicant has made positive steps by offering to provide increased buffering, reduce operating hours to eliminate Saturdays, and install covering materials once a week. He felt the road issues have been adequately addressed by Public Works, and the environmental issues have been addressed based upon recognized standards.

Mr. Blankenship questioned the need for this type of facility, especially in this area.

Mr. Metz agreed with Mr. Blankenship. He did not feel this facility is compatible with what currently exists. He felt this facility would be a magnet for truck traffic. He was concerned about the environmental impact because the landfill will be unlined. Although a liner is not required, he questioned whether all the hazardous material would be sorted out. He felt the area was the biggest drawback to approving this request.

If this is not approved, James Gardner questioned what would be done with the hole. Although the residents do not want to see debris put in this hole, Mr. Morris said that ten to twelve years from now it is



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going to be flat and 40 acres donated to the County. Therefore, he could probably support this C&D landfill.

**MOTION by Scott Blankenship, SECONDED by Larry Metz to recommend denial of MSP#05/10/1-3 to permit a construction and demolition debris landfill.**

Both Mr. Blankenship and Mr. Metz agreed that the applicant had a very well prepared presentation.

**FOR:** Blankenship, Metz

**AGAINST:** Morris, Gardner, Herndon

**NOT PRESENT:** Miller, Bryan

**MOTION FAILED:** 2-3

**MOTION by Robert Herndon, SECONDED by James Gardner to recommend approval of MSP#05/10/1-3 to permit a construction and demolition debris landfill. Mr. Herndon said his motion was based on increased buffering according to staff review, elimination of Saturday operating hours, and the covering of material once a week.**

**FOR:** Morris, Gardner, Herndon

**AGAINST:** Blankenship, Metz

**NOT PRESENT:** Miller, Bryan

**MOTION CARRIED:** 3-2

There was a ten-minute break.

CASE NO.: PH#86-05-2

AGENDA NO.: 17

**OWNER:** Lake County Gateway, LLC  
**AGENT:** Ronald P. Manley, Canin Associates

Jeff Richardson, Planning Manager, presented the case. He said staff has reviewed the proposal and made several findings based on the presumption that the future land use map amendment associated with this request will be adopted. He referred to the letter dated October 17, 2005 from the Department of Community Affairs (DCA) to Amye King and showed it on the monitor. The estimated timeframe to receive the Objections, Recommendations, and Comments (ORC) Report will be December 12, 2005. Assuming that those land use map changes are adopted, staff finds the request to be overall consistent. Staff has met with the applicants during numerous Development Review Staff (DRS) meetings to go over the details that will be incorporated into the Planned Unit Development (PUD). There are some things that will be part of the applicants' presentation today that may answer some of staff's outstanding questions on some technical and design issues. Both requests have been reviewed by the Departments of Growth Management and Public Works in regard to the local and regional issues. On September 15 the Local Planning Agency, and the Board of County Commissioners (BCC) at their subsequent meeting, elected to transmit the Comprehensive Plan amendment. Therefore, this is moving forward in a logical timeframe with the development order as well as the land use map amendments. The staff report includes several requests for waivers to Chapter 15 of the Land Development Regulations (LDRs) and the Clermont Joint Planning Area (JPA) LDRs. Staff has reviewed these waivers. There are several that are still in question, but essentially the staff is comfortable with the setback issues. Staff has asked for some details that will be shown as part of the applicants' presentation today. The fire protections as outlined have been agreed to by the Emergency Management staff. Staff is comfortable with the facility design and layout for dumpsters and dumpster enclosures for the solid waste by minimizing the number of stations and increasing the size as well as the design for screening from other uses and rights-of-way. There is only one architectural standard that is still in question—building height. A waiver is being requested regarding signs. That issue is still under review by staff, which does not have a recommendation. Staff is comfortable with the lighting standards and parking requirements. Overall, staff is comfortable with the DRI development order and can recommend approval. However, staff would like to hear the applicants' presentation before making a final determination and recommendation to this Board. Mr. Richardson stated that prior to this meeting he had submitted as County Exhibit A a memorandum from the City of Clermont with their concerns and recommendations.

In response to Timothy Morris, Mr. Richardson said he has not read the memorandum in detail. When Scott Blankenship asked if staff is prepared to make a recommendation after the applicants' presentation, Mr. Richardson said he would be.

Cecelia Bonifay with Akerman Senterfitt was present to represent the case. She stated that this project required both a Comprehensive Plan amendment and a submittal of an application for development approval because this is a Development of Regional Impact (DRI). When this project first started over a year ago, they held a charette at the City of Clermont conducted by the East Central Florida Regional Planning Council because they are the lead agency. Because this is a DRI, separate transportation methodology must be adopted. That methodology must be done in compliance with both the Florida statutory language in Chapter 380.06 as well as in Administrative Rule. She noted that on October 19, the Regional Planning Council adopted their regional report, which is a set of regional recommendations. These regional recommendations form the basis of the development order. She pointed out that this is the first DRI since the adoption of the JPA LDRs. Those regulations provide that if an applicant goes through the PUD process, there is an opportunity to vary those LDRs. When they submitted their application, they enumerated specifically in which areas they wanted to vary the LDRs. She said they have developed new architectural design guidelines.

When looking through the report, Mr. Morris said he saw no mention of school issues. Ms. Bonifay said this project will only have 200 units, which will be in the second phase of this project. Since these units will not appear until much later in the project, if at all, they would be agreeable to a recommendation of approval conditioned upon no residential would be allowed unless school capacity was available.

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**AGENT: Ronald P. Manley, Canin Associates****PAGE NO.: 2**

Mr. Morris confirmed that the request is for 1.2 million square feet of commercial and 200 residences.

Ron Manley of Canin Associates said they are the lead planners and project managers for Plaza Collina. He gave a PowerPoint presentation and submitted a copy as Applicant Exhibit A. He spoke of the vegetation on the northern property line and the 10.7-acre wetland on the western corner of the site. They propose to leave that wetland area intact with a buffer. Building setbacks from major roadways have been established and are shown on the site plan, ranging from 25 to 50 feet. He said this property has almost a mile of frontage on SR 50. They are proposing three project entry signs, three multi-tenant signs, and 18 parcel signs. On CR 50 in the rear of the property, two wall signs welcoming people to the project are proposed. In addition, there will be some monument signs and small directory signs throughout the project. Signage is an issue they are still working out with staff.

If everything goes according to schedule, Robert Herndon asked when construction would start. Mr. Manley replied that they had hoped to begin in 2005, but it has been pushed back to the latter part of 2006. Larry Metz was informed that Phase 1 would start at that time. Mr. Manley said it is anticipated that Phase 2 would begin in 2008.

In response to Mr. Blankenship, Mr. Manley said the maximum square footage for the buildings without a variance would be 100,000 square feet. They are considering at least one large store that would exceed that square footage. They did not set a cap on the additional square footage. At the request of Mr. Blankenship, Mr. Manley pointed out the locations of the traffic signals as well as the right turn in/right turn out entrances.

Darren Gray, Assistant City Manager for the City of Clermont was present on behalf of the Clermont City Council. The City has been involved in this project since the beginning with the charette. The City staff has also been involved in recent DRS meetings. However, due to the lack of information from Plaza Collina, the City Council cannot make an informed recommendation regarding the PUD. They did make a recommendation that they are not opposed to this project but that they do have a few concerns. He noted the severely overcrowded schools in this area. However, he was hopeful when Ms. Bonifay said they would not continue with the residential component if the school capacity was not available. They had received a list of variance requests from Canin Associates. There was not enough information provided in order to make a recommendation. Therefore, they would like to keep the project in compliance with the JPA LDRs until they receive more information. He asked for a copy of this presentation to take back to the City for discussion so they can make a better recommendation.

When Mr. Herndon asked if Mr. Gray could have information from the City Council for the BCC public hearing, Mr. Gray said that if the meeting is on December 13, he should be able to.

Glenn Burns from Monteverde was present to represent the Green Mountain Scenic Byway Committee. He submitted a map as Opposition Exhibit A. He said this Committee has been responding to the Regional Planning Council's request for comments throughout the process. From the beginning, they have had the same stance. Along the north side of the development is an old railroad bed. It parallels the highway for the most part across the north side of the development. This railroad bed is located 40 to 60 feet in from the shoulder of the road. It is a perfect spot for the South Lake Bicycle/Pedestrian Trail. Between the railroad and the shoulder of the road is a thin strip of woods on a steep bank. This bank serves as a perfect buffer from Old Highway 50 and the development. He noted two species of endangered plants in the middle of the development. Their position is that between the southern edge of pavement of Old Highway 50 and the railroad, it should be left as is with no disturbance. He felt the eight-foot signs on the scenic highway are about four feet too high. The Committee would seriously discourage the road that bisects the development and empties onto Old Highway 50.

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**AGENT: Ronald P. Manley, Canin Associates****PAGE NO.: 3**

Maureen Rischitelli, Town Manager for the Town of Oakland and a Lake County resident, was present to represent the mayor, the Town Commission, and the citizens of Oakland. As a neighbor of Lake County, they have always been concerned with what happens on either side of them. Based on the 10-8 vote of approval, there was not overwhelming support of the project. Their concerns include the back roads, the traffic, safety on the Trail, and the Scenic Byway Committee's concerns. There appears to be a lot of conceptual ideas but nothing concrete. The Town of Oakland is committed to retaining its rural nature and keeping the existing two lanes. They will be sending a recommendation to DCA as well as BCC. They will be appealing both the traffic impacts and the rural character.

Mr. Morris pointed out that there is no ordinance or PUD in the information provided to this Board. Based on the timing when the County received the Regional Planning Council's formal recommendations and when information was sent to this Board, Mr. Richardson said he did not prepare ordinances to go along with the information provided. A PUD ordinance was not prepared because not all of the issues had been worked out. Staff's recommendation would be that they all continue to work through the issues and continue this case until the December Zoning Board public hearing.

With the number of people involved, Mr. Morris felt another month of communication to bring it together with all parties involved would be beneficial.

Ms. Bonifay agreed that a continuance until December would give them an opportunity to work with staff. Some of the issues Mr. Burns spoke of are preservation of things that are not on this property. She felt he was trying to send a message to Lake County staff as well as to them. She said they would continue to work with the various entities that have issues. When Mr. Morris asked if 30 days would be enough, Ms. Bonifay said it would be.

There was no opposition in the audience to a continuance.

**MOTION by Robert Herndon, SECONDED by Scott Blankenship to continue PH#86-05-2 until the December 7, 2005 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Metz****AGAINST: None****NOT PRESENT: Miller, Bryan****MOTION CARRIED: 5-0**

Mr. Morris stated that it has come to his attention that Jeff Richardson will be leaving the County. He said the Board has enjoyed working with him and thanked him for his time and assistance to this Board.

**Adjournment**

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Tim Morris  
Vice Chairman